

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SEAN KING, individually and on behalf of all other similarly situated employees,

Plaintiffs,

VS.

WEST CORPORATION,

Defendant.

8:04CV318

# MEMORANDUM AND ORDER

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 167) regarding motions filed by both parties (filings 131 and 135). No objection to the report and recommendation has been filed by either party, and the 10-day period prescribed by Fed. R. Civ. P. 72(b) and NECivR 72.3(a) for filing objections has expired.

Pursuant to 28 U.S.C. § 636(b)(1), I have reviewed de novo the report and recommendation. I find that inasmuch as Judge Piester has fully, carefully, and correctly found the facts and applied the law, the report and recommendation should be adopted.

Accordingly,

IT IS ORDERED that:

1. The Magistrate Judge's report and recommendation (filing 167) is adopted;

2. Defendant's motion to reject certification of collective action (filing 135) is granted; and
3. Plaintiff's motion for limited decertification and transfer, and motion for bifurcation of trial (filing 131) is denied.

February 7, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge